

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

**DATATREASURY CORP.,**  
Plaintiff

vs.

**SMALL VALUE PAYMENTS  
COMPANY**  
Defendant

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No. 2:04cv85  
Hon. David J. Folsom

**AGREED CASE MANAGEMENT ORDER**

Pursuant to the Court's authority under Federal Rules of Civil Procedure 16 and 26, it is hereby **ORDERED** that the parties comply with the following docket control timetable:

STEP	ACTION	SVPCo
1	Initial Case Management Conference	1/20/05
2	Parties Exchange Initial Disclosures	1/28/05
3	Patentee serves Disclosure of Asserted Claims and Preliminary Infringement Contentions	3/18/05
4	Patentee makes Document Production Accompanying Disclosure	3/18/05
5	Case Management Statement	2/18/05
6	Accused Infringer serves Preliminary Invalidity Contentions	5/27/05
7	Accused Infringer makes Document Production Accompanying Preliminary Initial Disclosures	5/27/05
8	If necessary, Parties Exchange any Proposed Terms and Claim Elements for Construction	6/10/05
9	If necessary, Parties meet and confer to discuss list of Proposed Terms and Claim Elements for Construction	6/17/05

10	If necessary, Parties make Exchange of Preliminary Claim Constructions and Extrinsic Evidence	6/24/05
11	If necessary, Parties meet and confer to discuss Preliminary Claim Constructions and Extrinsic Evidence	7/1/05
12	If necessary, Parties meet and confer to discuss Claim Construction Proceedings	7/8/05
12(a)	If necessary, Parties exchange Supplemental Preliminary Claim Construction	7/15/05
13	Parties Jointly file joint Claim Construction and Prehearing Statement	7/22/05
14	Completion of Claim Construction Discovery	8/19/05
15	Opening Claim Construction Brief on Claim Construction issues	9/2/05
16	Responsive Claim Construction Brief on Claim Construction issues	9/16/05
17	Reply Brief on Claim Construction issues	9/23/05
18	Hearing on Claim Construction issues	To be determined.
19	Ruling on Claim Construction issues entered by the Court	To be determined.
20	Patentee makes Final Infringement Contentions	CCR + 4 wks
21	Accused Infringer makes Disclosure Relating to Willfulness	CCR + 4 wks
22	Parties file Amended Pleadings	CCR + 4 wks
23	Deadline for Third Party Joinder	CCR + 4 wks
24	Accused Infringer makes Final Invalidity Contentions	CCR + 8 wks
25	Completion of Unenforceability Discovery	CCR + 20 wks
26	Completion of all Remaining Fact Discovery	CCR + 20 wks
27	Accused Infringer makes Final Unenforceability Contentions	CCR + 24 wks
28	Parties make Final Designations of all Expert Witnesses (except rebuttal witnesses)	CCR + 24 wks

29	Parties Provide Expert Witness Reports	CCR + 24 wks
30	Parties Provide Rebuttal Expert Witness Reports	CCR + 28 wks
31	Completion of all Remaining Expert Discovery	CCR + 32 wks
32	File Summary Judgment Motions on Invalidity	CCR + 36 wks
33	File Summary Judgment Motions on Unenforceability	CCR + 36 wks
34(a)	Deadline for filing all Dispositive and Daubert Motions	CCR + 36 wks
34(b)	File Responsive Briefs to Summary Judgment Motions on Invalidity	CCR + 40 wks
35	File Responsive Briefs to Summary Judgment Motions on Unenforceability	CCR + 40 wks
36	Deadline for filing Responses to Dispositive and Daubert Motions	CCR + 40 wks
37	File Reply Briefs Regarding Summary Judgment Motions on Invalidity	CCR + 44 wks
38	File Reply Briefs Regarding Summary Judgment Motions on Unenforceability	CCR + 44 wks
39	Deadline for filing Replies to Dispositive and Daubert Motions	CCR + 44 wks
40	Patentee identifies Trial Witnesses	CCR + 45 wks
	Accused Infringer identifies Trial Witness	CCR + 46 wks
41	Parties to file Proposed Joint Pretrial Order that includes Proposed Jury Instructions, Joint Verdict Forms & Motions in Limine	CCR + 48 wks
42	Final Pretrial Conference before Judge David Folsom	10/3/06
43	Jury Selection	To be determined

**This docket control order shall not be modified except by leave of Court or upon agreement of all parties.**

SIGNED this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

\_\_\_\_\_  
HON. DAVID J. FOLSOM  
UNITED STATES DISTRICT JUDGE



\_\_\_\_\_  
D. Neil Smith  
Attorney for Plaintiff



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Preston McGee  
Attorney for Defendant